

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC, 20554

In the Matter of)
Creation of a Low) MB Docket No. 99-25
Power Radio)
Service)

My name is Meagen Grundberg, and I strongly support any actions the Federal Communications Commission can take to expand and support the Low Power FM radio service. I am involved with a locally-programmed, community-oriented radio station that has applied for the same LPFM license as parties without active stations interested in broadcasting syndicated programming. I have the following thoughts about how the process and regulations could be improved.

1. Take Action to Fix the Rules

The Petitions for reconsideration need action.

After the initial LPRM rules were passed in 2000, low power radio advocates asked for a number of "clean up" measures to address certain inadequacies in the rules as they were originally written. These measures were included in what is known as the "Petition for Reconsideration." Five years later -- with the first application window mostly behind us -nothing has been done, and it is time for the Commission to act on the Reconsideration requests. A number of proposals that promote local low power radio are awaiting action, including prohibiting ownership of multiple stations by a single entity, and requiring all LPFM stations to carry some locally originated programming. The FCC must act on these proposals in a timely manner in order to ensure that the agency is truly meeting its mandate to promote localism in radio. Many of the issues below were covered in the reconsiderations that were filed right after LPFM was adopted. Some, like Digital Radio issues, were not, to our knowledge, raised in the reconsiderations. Questions that were raised during reconsideration of the rules are easier to fix now- questions that were not raised often require a new rulemaking by the FCC.

2. Primary Sources

Grant Low Power Radio stations primary status

Low power stations have "modified primary status," which means they can be bumped

at any time by full power stations. Between a translator and an LPFM, higher status is awarded to the one that came first. It is my belief that Low Power stations should have primary status, and should not be allowed to be encroached by full power stations. It may have made sense in 2000, during the creation of LPFM, to think of these stations as "secondary, supplementary" services. In light of the abandonment of local production, and the advent of voice tracking and radio empires, this thinking needs to adjust to reality. It makes no sense that the only station in town willing to cover the city council meeting should get knocked off just because some Top 40 station wants to shift away from the old small town it serves and move 10 miles closer to an emerging population center 60 miles away. Low Power stations that originate local content should be fully given precedence over translators, no matter who came first. If it proves impossible to make LPFMs fully primary, LPFM stations should have the ability to use the more accurate contour overlap/translator rules to allocate a new channel if they are bumped. They should be allowed to make a major amendment at any time if they are threatened with encroachment. The Commission should dismiss pending mutually exclusive FM translator applications. An LPFM station should be permitted to remain on the air if the area of predicted interference does not receive service from the full service station prior to the grant of a construction permit for a new station or facilities modification of an existing station, and if the full service station's community of license would not be subject to predicted interference.

3. Why Is It Easier To Amend The Constitution Than A 100 Watt Radio License?

Making necessary changes to a low power license must be simpler

Many things can change in five years. Board members have twin babies, radio towers change hands, tall buildings in the center of town are bulldozed. All of these have happened to stations with which I'm familiar. The ability to make both minor and major amendments to lower power channels is imperative for community groups who may have to deal with varying circumstances. For instance, if for whatever reason, a LPFM station loses its transmitter site, it is only permitted to relocate within 2 km of the original site with a minor amendment. And a major amendment can only be filed during a filing window – major amendments are accepted at no other time. LPFMs are asking the Commission to alter the definition of a minor change to include transmitter relocation of up to 5.6 km instead of 2 km for LP100 licenses.

4. Boards Should Not Be Stiff...

Adopt new rules addressing the reality of changes in personnel on non-profit boards.

The current LPFM rules have a provision that the Board of Directors cannot change more

than 50% from an initial application unless the change is reported. However, it must be reported within a window the Commission may or may not open. This ties the hands of LPFM Boards, and fails to take into account the reality of changing circumstances. The rule was set up as a safeguard against speculators and people who wanted to apply for LPFM licenses expressly for the purpose of selling them to others. This is of course illegal, since no money may change hands in the transfer of a noncommercial license. I understand and respect the need to prevent fraudulent transfers. However, current regulations fail to take into account that board personnel changes are an inherent part of the existence of non-profit community groups. Leadership sometimes shifts drastically and unexpectedly. I believe it is entirely possible for the Commission to craft rules that will create flexibility for growing and changing LPFMs, while protecting the market from illegal speculation.

5. Under Construction

LPFM Construction Permits should last 3 years, not 18 months.

Many new licensees face distinct challenges: little or no prior experience with the FCC and broadcast regulations, long funding cycles of charitable organizations and local governments, and the difficulty involved in the permitting process for small towns. Considering this, the Commission should grant greater flexibility to LPFMs that are having trouble building within the 18-month time limit. Low Power radio stations should have 3 year licenses like all others.

6. Reevaluate radio translator policies to eliminate non-commercial translators that do not originate local broadcast programming.

Satellite-fed translator chains are the antithesis of localism and are harmful to both full power and low power non-commercial radio. Translator policies must be re-evaluated in order to ensure that LPFM stations offering local programming are given spectrum priority over translators that are fed programming remotely, rather than directly from local transmitters.

7. Don't Make Another Digital Divide

Evaluate IBOC (terrestrial digital radio) to identify policies that will promote the carriage of LPFM stations digitally.

As we move towards a digital future, it is critical that the Commission adopts policies that will allow carriage and preserve the independence of LPFM stations. LPFMs should be allowed to adopt IBOC streams, if they find that it is viable for them to do so.

8. Let Us Be Verified, Not Certified.

Clarify LPFM station's obligations to use type-certified equipment.

Full power radio stations are legally permitted to use "type-verified equipment," which means that the manufacturer has inspected its own products. The Commission mandates that LPFM stations can only use "type-certified" broadcast equipment, which means that products must be inspected by a third party, which is prohibitively expensive for innovative small businesses that would like to produce equipment for the Low power radio market. The FCC should allow low power radio stations to use the same type-verified equipment that full power radio stations are able to use.

9. Put The C Back In FCC

Regular communication will help prevent low power FMs from assuming they have been lost in the shuffle.

Because the LPFM service was intended to provide access to the airwaves for grassroots community organizations, it should be administered in a way that is clear and straightforward. Many groups have little or no experience in dealing with FCC procedures. By establishing a system of consistent communication with applicants, the LPFM service will be more accessible. This would involve measures taken by the FCC to:

- Notify LPFM applicants in writing and by email of the status of their application, when the application is received and when major events occur. Correspond with applicants if more than 6 months go by without any action. A major problem is that many applicants are convinced that their applications were "lost" years ago and have failed, to keep up their contact information since then. If the FCC finally sends a notice years later, it often goes to the wrong address.

10. Create a second application window for LPFMs that want to submit contour overlap engineering studies.

Currently, translators/repeaters are allowed to use an accurate "contour overlap" method, which allows engineers to take into account terrain features that block signals and prevent interference in the real world. Although low power FM stations are technically identical to repeaters/translators (even using the same models of transmitters and antennas), they are only permitted to submit the "minimum-distance" method of study for proper spacing. This not only overprotects other stations from LPFMs, but also has the strange and unintended effect of allowing non-local translators in thousands of places where low power, truly local stations are prohibited. If this were

corrected, low power community stations could serve every city in the country, and truly fulfill the goals of localism. Low Power FMs should be allowed to use the same rules as translators and submit contour overlap studies when applying for licensure. In future application windows, there should be two windows--one for LPFM stations that are able to use the cheap and simple minimum distance method, and a second window where LPFMs can submit engineering studies using the more accurate contour studies and translator rules.

11. Give us Schedules

A publicly posted schedule is sorely needed for Low Power Applications.

Currently, a major amendment may only be filed during a filing window; the Commission will not accept them at any other time. But not even the President of the United States knows when a filing window will be opened. The FCC doesn't provide schedules on when it will open filing windows, so the current system rewards FCC-savvy organizations with experienced engineers and lawyers who can dash off hundreds of applications at a moment's notice. This punishes grassroots organizations who are unable to adequately prepare for application windows. This is contrary to the stated purpose of localism and allowing new voices into the field. Annual schedules are needed for amendment filing windows so that LPFMs can have the same opportunity as their full power counterparts to file. Additionally, the deadline for time-sharing applications should be extended from 30 to 90 days.

12. Don't forget Radio!

Add staff to the audio division so that all these recommendations can be done.

The audio division at the FCC is severely understaffed, probably because people think radio is an old medium that is not on the cutting edge. But people have said that radio was going to die ever since the 1950s, when television came in. Today, radio remains a leading source of news, information and culture. Give the Audio Division enough people and resources to do their jobs well.

13. Really Promote Localism

Promote Localism By Checking The Claims Made On License Applications

Low power stations were created for local entities. They were not created for cross country networkers who want to build a national system of mini-transmitters. The FCC must uncover national entities trying to game the system by using low power stations as a front for their national networks, and deal with them accordingly. To accomplish

this, the Enforcement Bureau should establish clear definitions for locally originated programming and perform spot-checks of stations to make sure these licensees are truly operating locally and producing local programming. Following the adage that “if it looks like a duck and walks like a duck,” a station with no studio, no local volunteers, and nothing but a satellite downlink, is nothing more than an attempt to network under the veil of LPFM. Such operations should be shut down, and the license reserved for another group that is truly committed to the goals of local radio. There should be flexibility and common sense in enforcement (a group that promised 8 hours a day but is currently only up to 6.5 should not be punished), but groups that are just gaming the system should be stopped.

14. How Established is Your Community Presence?

Clear Up Ambiguities About The Counting Of Preference Points

In the original LPFM rules, there is an ambiguity about how preference points are counted. The grammar of the rule could be interpreted to mean that any group of people who have lived in the community for 2 or more years can count as having established community presence, or it could be interpreted to mean that the organization had to exist as an organization and had activities for 2 years prior to the date of application. This ambiguity has caused much confusion and many expensive legal cases, and the interpretation of this distinction has tied up many applications in the competitive process. It seems apparent to us that an organization that can document actual activities should have preference over an assortment of people who happen to have lived in a community.

15. Don't Be Shy!

Explain the Results of the MITRE study to the public.

In a sneaky budget maneuver in late 2000 prompted by the big broadcasters, Congress took away the FCC's authority to give out about 2/3 of the licenses available. It ordered an independent study of interference potential fueled by fear of encroachment on its behemoth stations. Much to the chagrin of the broadcasting behemoths, the study -- completed by the MITRE Corporation -- gave LPFM a clean bill of health. Although the FCC reported to Congress that low power radio posed no threat to existing stations, many in Congress and the public were never made aware of this. The Commission needs to educate the Congress and the public about what the MITRE corporation found: that the problems claimed by the incumbent broadcasters are nothing but blustering and protectionism. Low power radio not only does not cause harmful interference to incumbents, and also provides a valuable community service. The FCC should not lobby

Congress on whether to pass a law, because that is not the role of the Commission. But they should actively educate the Congress and the public about what the MITRE corporation found at a cost to taxpayers of 2.2 million dollars—that the problems raised by the incumbent broadcasters do not exist in the real world and low power radio can not cause significant harmful interference to incumbents. The FCC is the expert agency and Congress relies on the FCC for competent expert judgment. No one knows more about radio in the US government than the FCC. The FCC must make the findings clear to Congress.

Thank you.